



Lou Ann Teixeira
 Executive Officer

MEMBERS

Donald A. Blubaugh <i>Public Member</i>	Mary N. Piepho <i>County Member</i>
Federal Glover <i>County Member</i>	Rob Schroder <i>City Member</i>
Michael R. McGill <i>Special District Member</i>	Igor Skaredoff <i>Special District Member</i>
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ALTERNATE MEMBERS

Candace Andersen
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August 12, 2015 (Agenda)

August 12, 2015
 Agenda Item 10

Contra Costa Local Agency Formation Commission
 651 Pine Street, Sixth Floor
 Martinez, CA 94553

LAFCO Agricultural & Open Space Preservation Policy Discussion

Dear Commissioners:

This is a report from the LAFCO Policies & Procedures Subcommittee.

LAFCO AGRICULTURAL & OPEN SPACE PRESERVATION WORKSHOP

On July 8, Contra Costa LAFCO hosted an agricultural & open space preservation policy (AOSPP) workshop featuring 15 speakers representing a broad range of regional and local interests including: Brentwood Agricultural Land Trust, Building Industry Association of the Bay Area, California Rangeland Trust, Contra Costa Association of Realtors, Contra Costa County Agriculture/Weights & Measures, Contra Costa County Department of Conservation & Development, Contra Costa County Farm Bureau, Contra Costa LAFCO, East Bay Leadership Council/Contra Costa Economic Development Partnership, East Bay Regional Park District, Greenbelt Alliance, Save Mt. Diablo, Sierra Club (East Bay), and The American Farmland Trust.

The workshop was well attended and provided time at the end for questions and dialogue. The workshop was taped by CCTV and can be viewed on the County’s website.

As previously discussed with the Commission, the purpose of the workshop was to engage stakeholders and begin a discussion as to whether or not Contra Costa LAFCO should develop a local AOSPP, like other LAFCOs around the State; and if so, what should the Contra Costa LAFCO policy address.

SUBCOMMITTEE’S WORK TO DATE AND NEXT STEPS

Prior Work

On March 11, 2015, the subcommittee presented a report to the Commission summarizing its preliminary work to collect and review AOSPPs covering 18 LAFCOs throughout the State. (Attachment) The policies ranged from restating LAFCO’s mission and responsibilities relating to ag & open space preservation as contained in LAFCO law, to strengthening LAFCO processing procedures, to requiring mitigation and protection.

Mapping

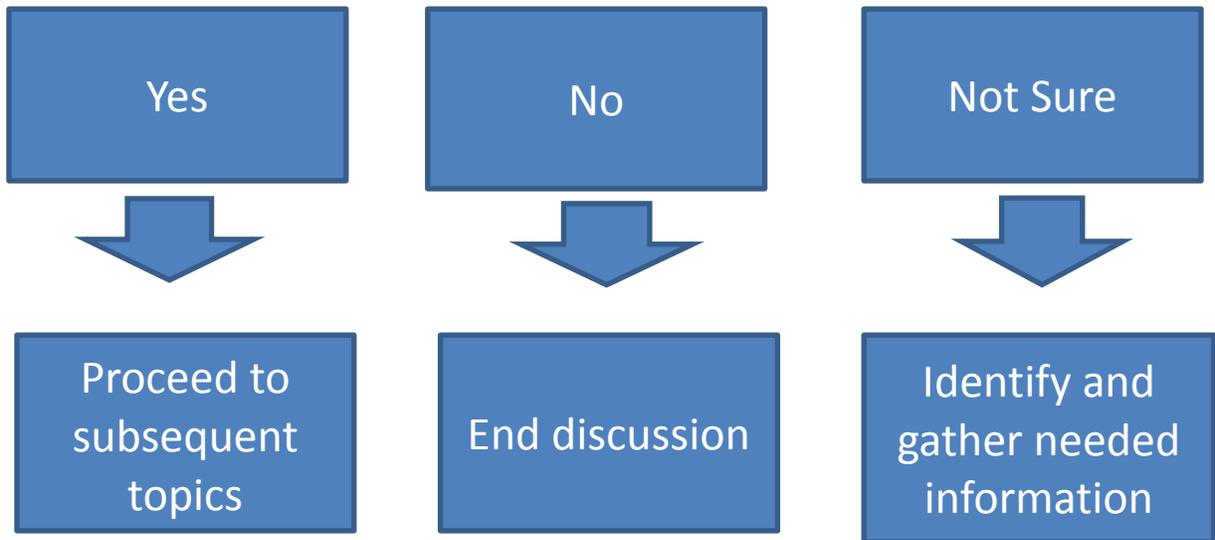
Subsequently, the Executive Officer and the subcommittee worked with County GIS staff to develop a series of maps which depict a range of data layers including agricultural lands (i.e., defined by CKH, State Farmland, ag easements, etc.), Williamson Act land, open space (e.g. parkland, publicly owned, privately owned, etc.), land use categories, developed and undeveloped land (inside and outside urban growth boundaries), and land with urban services (e.g., water, sewer). These maps enhance everyone’s understanding of the location of agricultural and open space lands vis-à-vis developed areas.

At the August 12th LAFCO meeting, the subcommittee and County GIS staff will present these maps which may be useful in considering a LAFCO agricultural & open space preservation policy.

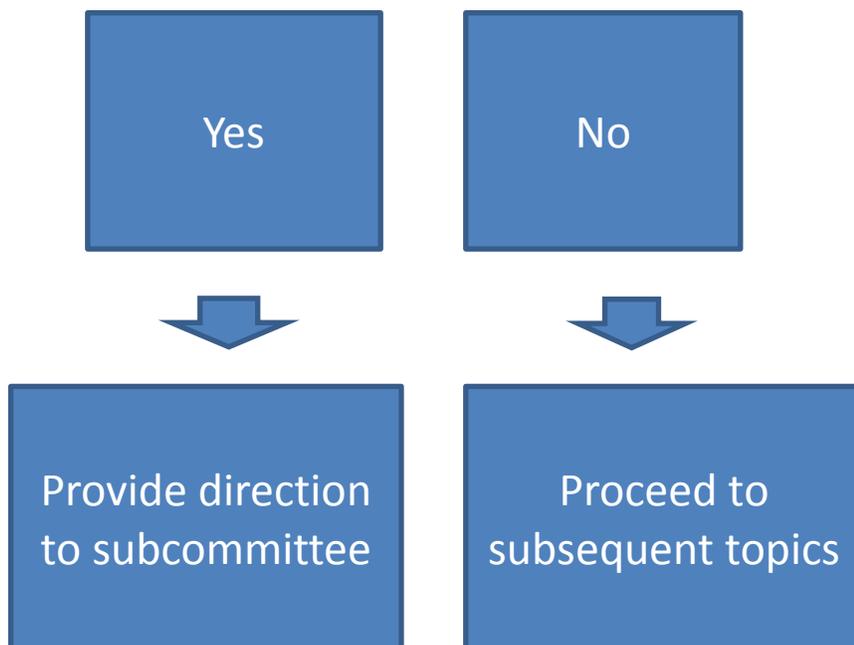
Facilitating a LAFCO Policy Discussion

To facilitate a discussion about what type of AOSPP Commissioners want, if any, the subcommittee recommends structuring the discussion in the form of a decision tree:

I. Should CC LAFCO have an agriculture and open space preservation policy?

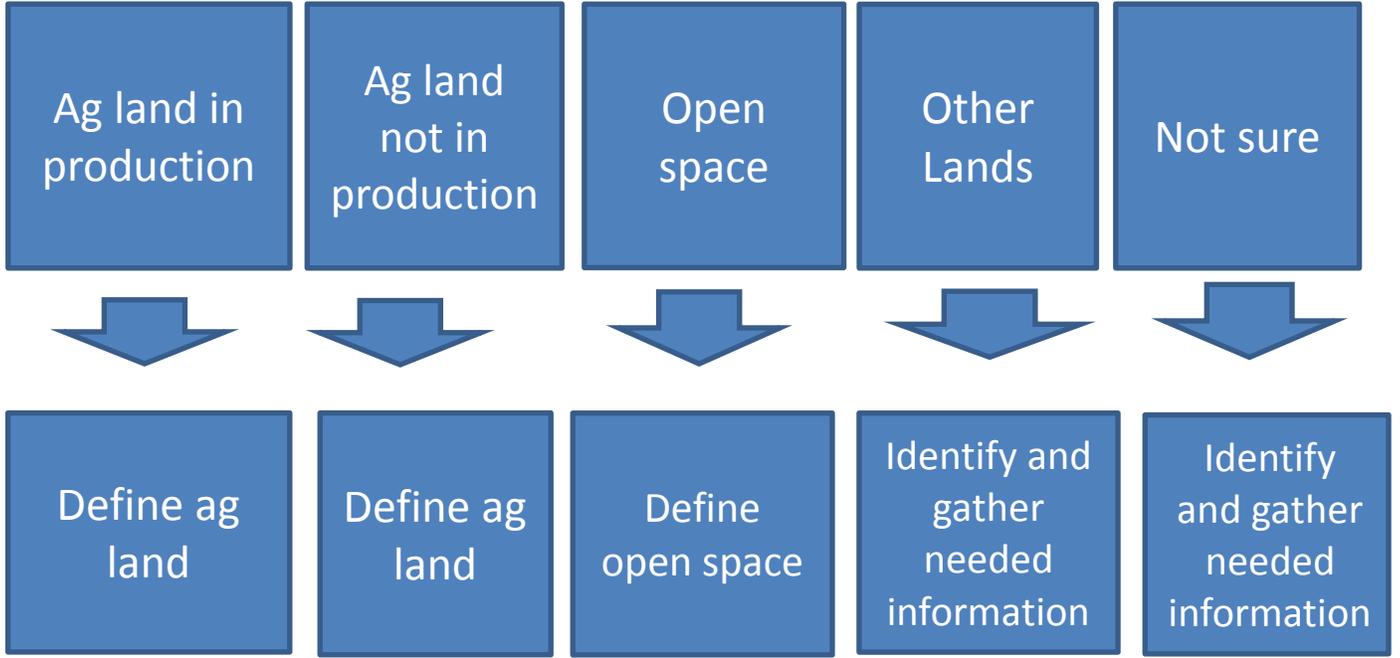


II. Should the CC LAFCO policy simply restate LAFCO law?



The Cortese Knox Hertzberg Act “(CKH)” provides specific definitions for “agricultural lands, “prime agricultural land” and “open space.” LAFCO law also includes provisions and restrictions relating to land covered by Williamson Act contracts.

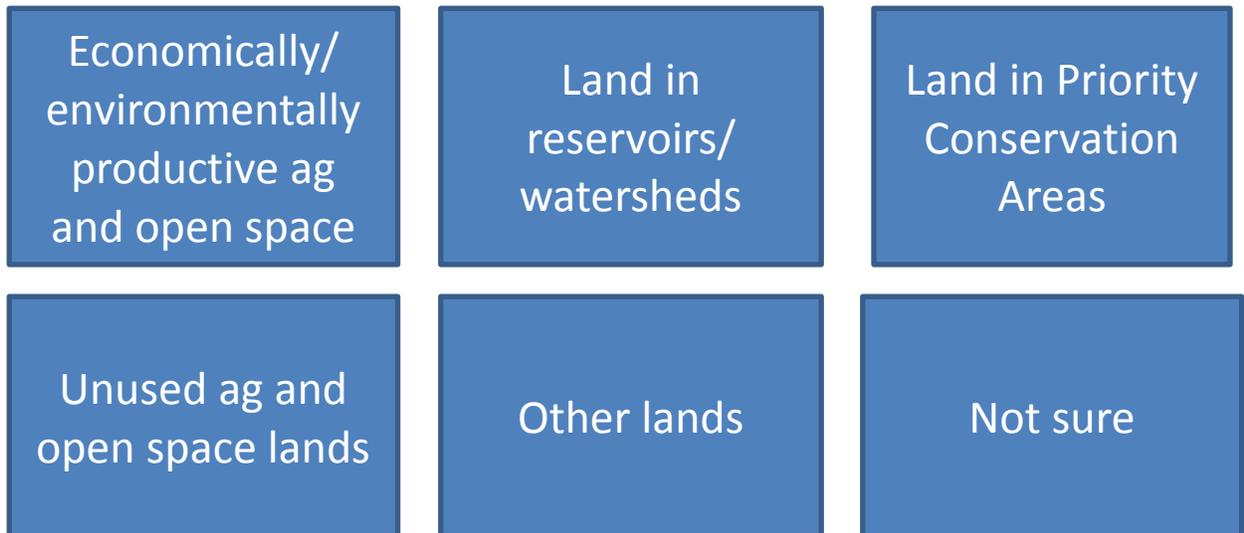
III. What types of lands should be targeted by the policy?



If the Commission wishes to protect land in addition to agricultural land, the subcommittee recommends having the discussion regarding those types of land at a subsequent meeting.

Public Comments/Questions

IV. Should the policy discourage including certain types of land in SOIs and boundaries?



When determining the type of land that should be included in jurisdictional boundaries and SOI (i.e., receive municipal services), the Commission may also wish to consider the following:

- ✓ Should the LAFCO policy encourage detachment of some categories of undeveloped lands (e.g., productive agricultural land)?
- ✓ Should the LAFCO policy require or encourage that undeveloped lands within the boundary and the SOI be developed/annexed before new ag and open space land is annexed?

V. What types of applications to annex ag and open space lands should be exempt from the requirements of an AOSPP, if any?

- ✓ Applications that produce substantial permanent employment
- ✓ Lands owned by public agencies where the agency is the applicant
- ✓ Annexations of less than XX acres
- ✓ Other

Public Comments/Questions

VI. Which, if any, of the following should an application that would annex ag (and open space) lands to a sphere or a boundary be required to include before the application is deemed complete?

- ✓ An analysis of the impact of the proposal on the economic viability of nearby ag and open space land both within five years after the proposal is adopted and cumulatively, e.g., 25 years later
- ✓ An explanation of why the application is necessary for orderly development of the jurisdiction and cannot be achieved in any reasonable way that does not involve the annexation of ag and/or open space land
- ✓ An assessment of how the application will balance LAFCOs requirement to protect ag and open space land with orderly development of the jurisdiction
- ✓ Other?

VII. Which, if any, of the following conditions should be included in approvals for the annexations of ag lands?

- ✓ Deed recognition of “Right to Farm” by agricultural neighbors
- ✓ Establish an undeveloped buffer of some width (300’ is common) between development and agricultural uses
- ✓ Protection of other comparable land
- ✓ Other

VIII. If protection of comparable land is a desired condition, several other discussion topics arise:

- ✓ What ratio of protection, e.g., 1:1, 2:1, etc. should be approved?
 - Would the ratio of protection vary by location of the protected land is (e.g., higher ratio for more distant land, lower ratio for land that might create a buffer around the community)
 - Who establishes the ratio, LAFCO, local city, other?
- ✓ Is protection achieved by entering into an option or an agreement to protect a specific parcel before the LAFCO action becomes final or as a subsequent condition of the

approval?

- ✓ In lieu of protecting a specific parcel, can a fee be paid? If a fee can be paid, at what time should the fee be paid, and to what type of organization (see below for examples)?
- ✓ Should protection agreements include provisions requiring the applicant to pay a fee for ongoing conservatorship?
- ✓ If fees can be paid to protect land, how is the fee established? For example, should the approved protecting agency set the fee with LAFCO concurrence, should an annexing agency set the fee, should LAFCO provide guidelines and set the fee on a case-by-case basis?
- ✓ Will the ability of applicants to pay fees to provide land protection be limited to annexations below a minimum size? (Some jurisdictions use 20 acres as the maximum amount subject to a fee. Annexations of larger parcels must find suitable parcels to protect.)
- ✓ What types of organizations can hold protected land and/or easements (e.g., City, EBRPD, agricultural or other land trust, etc.)
- ✓ Other?

Public Comments/Questions

Recommendation: Provide direction to the Executive Officer and the subcommittee.

Respectfully submitted,

Sharon Burke and Don Tatzin

Attachment – March 11, 2015 Subcommittee Report

c: Distribution



Lou Ann Teixeira
Executive Officer

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March 11, 2015 (Agenda)

Contra Costa Local Agency Formation Commission
 651 Pine Street, Sixth Floor
 Martinez, CA 94553

Agriculture & Open Space Preservation Policy & Workshop

Dear Members of the Commission:

The Policy Committee is pleased to present this report.

BACKGROUND

LAFCO's mission is to discourage urban sprawl, promote the efficient provision of government services, encourage the orderly formation of local agencies, and preserve open space and prime agricultural lands.

The Cortese-Knox-Hertzberg Act (CKH) contains numerous references to the importance of preserving open space and agricultural land. Attachment 1 contains a summary of the most relevant provisions.

A significant part of the history of Contra Costa County revolves around agriculture and ranching. However, as the County developed over the years, agricultural uses were reduced to occupying an ever smaller portion of the County's area. This pattern occurs in many other California counties.

In October 2014, LAFCO received a presentation by Kathryn Lyddan, Executive Director of the Brentwood Agricultural Land Trust (BALT). BALT works with Contra Costa farmers and the community to permanently protect the farmland through an active conservation program. BALT also works with local governments to develop programs and policies that support a vibrant agricultural economy for Contra Costa farmers. The BALT presentation focused on the importance of Bay Area farming and ranching. Bay Area farmers and ranchers produce agricultural products with a farm gate value of over \$1.8 billion per year. The presentation also discussed the loss of prime agricultural land. Contra Costa County has lost more than a quarter of its farmland in the last 30 years. The BALT PowerPoint presentation is available online at www.contracostalafco.org/meetings.

On February 24, the LAFCO Policies & Procedures Committee met with Chad Godoy, the Contra Costa County Agricultural Commissioner. The County Department of Agriculture, under the direction of the California Department of Food & Agriculture, Department of Pesticide Regulations, and Division of Measurement Standards, is responsible for conducting regulatory and service activities relating to the agricultural industry and the consumers of the county. The Department works to promote and protect the County's agricultural industry, its environment, and its people. The Department publishes an annual "Crop and Livestock" report. According to the 2013 report, the total gross value of agricultural crops and products was approximately \$97 million, or approximately five percent of the Bay Area total. In 2013, there was a total of 204,060 acres of cultivated land (194,390 harvested acres) in field crops in Contra Costa County. The 2013 report is available online at <http://www.co.contra-costa.ca.us/DocumentCenter/View/34207>.

Farming and ranching are vital to Contra Costa County. There are various state, regional and local measures in place to help protect agricultural and open space lands, including Williamson Act land contracts, local land use designations, voter approved urban limit lines/growth boundaries, agricultural mitigation measures, and conservation easements.

Throughout the state, LAFCOs recognize their charge to promote orderly growth and development, while also working to preserve open space and prime agricultural lands. As a result, many LAFCOs have adopted agricultural and open space preservation policies.

At the LAFCO meeting in February, the Commission expressed interest in moving forward with developing a LAFCO agriculture & open space preservation (AOSP) policy, and hosting a workshop with stakeholders as a precursor to developing the LAFCO policy.

LAFCO AGRICULTURAL AND OPEN SPACE PRESERVATION POLICY

The Policy Committee has researched and examined the agricultural and open space preservation policies covering 18 other LAFCOs throughout the State.

The various LAFCOs take different approaches to meeting the goal of preserving agricultural and open space lands, ranging from broad standards that reiterate LAFCO law, to specific terms and conditions designed to mitigate the loss of agricultural and open space land.

The following are common measures found in other LAFCO policies:

- Guiding urban development away from agricultural and open space lands, and toward infill areas and land within a local agency's current boundary and sphere of influence (SOI). Within an approved SOI, urban development is guided away from prime agricultural land.
- Requiring that applications proposing to incorporate agricultural and/or open space land in local agency boundaries/SOIs demonstrate that the local agency follow specific procedures prior to the boundary/SOI change.
- Encouraging local land use agencies to adopt policies in their general plans that result in efficient, coterminous local growth patterns, and include appropriate consideration of agricultural and open space lands.

- Requiring submittal of a mitigation plan for LAFCO applications that would impact agricultural and open space lands, which identify and analyze feasible mitigation measures that would eliminate or reduce impacts on these lands. Such mitigation measures might include greenbelt and buffer zones, permanent easements, preserving agricultural or conservation uses over agricultural land comparable in quality to that which is being converted to urban uses, payment of in-lieu fees, etc.

A summary of the various LAFCO policies is presented in Attachment 2.

Based on its research to date, the Policy Committee presents the following options for the Commission to consider as it contemplates its own local Agricultural and Open Space Preservation (AOSP) policy:

1. Base option

- Create a mission and objective for Contra Costa LAFCO's AOSP policy
- Restate CKH provisions, possibly referenced, reworded and organized so they are easier to follow
- Possibly create a pamphlet incorporating relevant ag and open space CKH sections

2. Expanded options the Commission can choose to adopt

- Mitigate the impacts of annexation by protecting other ag/open space land in perpetuity
 - Determine what types of land proposed for annexation must be mitigated
 - Prime ag with water
 - Open space used for agriculture and/or ranching
 - Other
 - Determine ratio of "protected to annexed" land
 - The most common replacement ratio is 1:1 replacement of comparable land elsewhere in the same county; however, some local agencies require 2:1 replacement ratios, and higher ratios are being discussed
 - Other options that may provide for varying replacement ratios depending on other factors (e.g., distance from the annexation in an effort to build a more substantial buffer, etc.)
 - Procedures
 - Do we allow protective easements or must the land be owned by a qualified organization?
 - Do we require that local agencies follow a planning procedure designed to demonstrate there is no reasonable alternative to annexing agricultural or open space land to the jurisdiction or its SOI?
 - What type of organization qualifies as an acceptable easement or land owner?
 - Timing
 - When must the mitigation be provided vis-à-vis timing of the SOI adjustment, annexation or subsequent development?
 - Does the requirement sunset if the land goes out of agricultural production?

- Require buffers where an annexation of ag land puts the boundary for urban uses adjacent to active ag land
 - Other counties have buffers of at least 300' but that is a policy choice
 - Is the buffer on the annexed parcel, on an adjacent parcel, or do we care as long as the desired buffer exists?
 - Do we require as a condition of approval that the current and all subsequent owners of the annexed property and any subdivided portions be noticed of Right to Farm legislation?

AGRICULTURE & OPEN SPACE WORKSHOP

At the February 11, 2014 LAFCO meeting, the Commission discussed hosting a workshop this summer. The purpose of the workshop is to discuss and identify local conditions that LAFCO might consider as it develops an AOSP policy. Such policy would provide guidance to the Commission when considering boundary change proposals which would impact agricultural and open space lands.

A suggested list of workshop presenters/participants includes the following:

- ❖ American Farmland Trust
- ❖ Brentwood Agriculture Land Trust
- ❖ Contra Costa County (CCC) Ag Commissioner
- ❖ CCC Dept. of Conservation & Development
- ❖ Local agencies with boundaries adjacent to ag/open space
- ❖ CCC Resource Conservation District
- ❖ Environmental Community
- ❖ East Bay Regional Park District
- ❖ Farm Bureau/Urban Farmers
- ❖ Ranchers
- ❖ Reclamation Districts

The Policy Committee has drafted an outline for the proposed workshop (Attachment 3). We propose to hold the workshop in lieu of the July 8, 2015 LAFCO meeting; the location to be determined and possibly in East Contra Costa County.

RECOMMENDATIONS

Receive the report and provide input on policy options and draft workshop outline.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment 1 – Government Code Sections Relating to Preservation of Open Space & Agricultural Land

Attachment 2 – Summary of the Other LAFCO Agricultural & Open Space Preservation Policies

Attachment 3 – Draft Outline for Proposed Workshop

Government Code Sections Relative to Preservation of Open Space and Prime Agricultural Land

Legislative Intent and State Interests

When it created LAFCOs in 1963, part of the Legislature's intent was to limit the premature conversion and loss of California's open space and agricultural lands, and guide development toward vacant urban land.

56001. The Legislature finds and declares that it is the policy of the state to encourage orderly growth and development which are essential to the social, fiscal, and economic well-being of the state. The Legislature recognizes that the logical formation and determination of local agency boundaries is an important factor in promoting orderly development and in balancing that development with sometimes competing state interests of discouraging urban sprawl, preserving open-space and prime agricultural lands, and efficiently extending government services.

56377. In reviewing and approving or disapproving proposals which could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space lands to uses other than open-space uses, the commission shall consider all of the following policies and priorities:

- (a) Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.
- (b) Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the existing jurisdiction of the local agency or outside of the existing sphere of influence of the local agency.

The Legislature also granted LAFCO broad powers to impose conditions and adopt its own policies, procedures, and guidelines to address local conditions and circumstances.

56375. The commission shall have all of the following powers and duties subject to any limitations upon its jurisdiction set forth in this part:

- (a)(1) To review and approve with or without amendment, wholly, partially, or conditionally, or disapprove proposals for changes of organization or reorganization, consistent with written policies, procedures, and guidelines adopted by the commission.

Definitions/Terms Related to Agricultural and Open Space Lands

LAFCOs are guided by specific definitions relating to agricultural lands and open space.

56016. "Agricultural lands" means land currently used for the purpose of producing an agricultural commodity for commercial purposes, land left fallow under a crop rotational program, or land enrolled in an agricultural subsidy or set-aside program.

56059. "Open space" means any parcel or area of land or water which is substantially unimproved and devoted to an open-space use, as defined in Section 65560.

56060. "Open-space use" means any use as defined in Section 65560.

56064. "Prime agricultural land" means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:

(a) Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.

(b) Land that qualifies for rating 80 through 100 Storie Index Rating.

(c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003.

(d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.

(e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.

56080. "Urban service area" means developed, undeveloped, or agricultural land, either incorporated or unincorporated, within the sphere of influence of a city, which is served by urban facilities, utilities, and services or which are proposed to be served by urban facilities, utilities, and services during the first five years of an adopted capital improvement program of the city if the city adopts that type of program for those facilities, utilities, and services. The boundary around an urban area shall be called the "urban service area boundary" and shall be developed in cooperation with a city and adopted by a commission pursuant to policies adopted by the commission in accordance with Sections 56300, 56301, and 56425.

Boundary Changes and Agricultural Lands

When LAFCO reviews a proposal, a factor among many to be considered is how the proposal affects both the physical and economic integrity of agricultural lands.

56668. Factors to be considered in the review of a proposal shall include, but not be limited to, all of the following:

(e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.

LAFCO also has the ability to consider the impacts of district annexation of agricultural lands.

56668.3. (a) If the proposed change of organization or reorganization includes a city detachment or district annexation, except a special reorganization, and the proceeding has not been terminated based upon receipt of a resolution requesting termination pursuant to either Section 56751 or Section 56857, factors to be considered by the commission shall include all of the following:

(3) Any factors which may be considered by the commission as provided in Section 56668.

(5) Any other matters which the commission deems material.

LAFCO is not allowed to apply the island annexation procedures to prime agricultural land.

56375.3. (a) In addition to those powers enumerated in Section 56375, a commission shall approve, after notice and hearing, the change of organization or reorganization of a city, and waive protest proceedings pursuant to Part 4 (commencing with Section 57000) entirely, if all of the following are true:

- (1) The change of organization or reorganization is initiated on or after January 1, 2000.
- (2) The change of organization or reorganization is proposed by resolution adopted by the affected city.
- (3) The commission finds that the territory contained in the change of organization or reorganization proposal meets all of the requirements set forth in subdivision (b).

(b) Subdivision (a) applies to territory that meets all of the following requirements:

- (5) It is not prime agricultural land, as defined by Section 56064.

In 2014 the State adopted an amendment to the CKH Act which gives LAFCOs the power to review extensions of services into previously unserved unincorporated areas and the creation of new service providers to do so. This Authority expires on January 1, 2019.

56434. (a) The commission may review and comment upon both of the following:

- (1) The extension of services into previously unserved territory within unincorporated areas.
- (2) The creation of new service providers to extend urban type development into previously unserved territory within unincorporated areas.

(b) The purpose of the review authorized by this section shall ensure that the proposed extension of services or creation of new service providers is consistent with the policies of Sections 56001, 56300, and 56301, and with the adopted policies of the commission implementing these sections, including promoting orderly development, discouraging urban sprawl, preserving open space and prime agricultural lands, providing housing for persons and families of all incomes, and the efficient extension of governmental services.

(c) This section shall remain in effect only until January 1, 2019, and as of that date is repealed.

(Added by Stats. 2014, Ch. 112)

Williamson Act Land

There are provisions in CKH to protect land that is subject to Williamson Act land conservation contracts, and designated as farmland security zones. Presently, there are 417 parcels of agricultural land with Land Conservation Contracts, covering approximately 48,000 acres in Contra Costa County. There is no land in the County that is designated as a farmland security zone.

56426.6. (a) The commission shall not approve a change to the sphere of influence of a local government agency of territory that is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1) if that local government agency provides, or would provide, facilities or services related to sewers, nonagricultural water, or streets and roads to the territory, unless these facilities or services benefit land uses that are allowed under the contract and the landowner consents to the change to the sphere of influence.

(b)(1) Notwithstanding subdivision (a), the commission may nevertheless approve a change for that territory if it finds either of the following:

(A) That the change would facilitate planned, orderly, and efficient patterns of land use or provision of services, and the public interest in the change substantially outweighs the public interest in the current continuation of the contract beyond its current expiration date.

(B) That the change is not likely to adversely affect the continuation of the contract beyond its current expiration date.

(2) In making a determination pursuant to this subdivision, the commission shall consider all of the following:

(A) The policies and implementation measures adopted by the city or county that would administer the contract both before and after any ultimate annexation, relative to the continuation of agriculture or other uses allowable under the contract.

(B) The infrastructure plans of the annexing agency.

(C) Other factors that the commission deems relevant.

(c) This section shall not apply to any of the following:

(1) Territory that is subject to a contract for which a notice of nonrenewal has been served pursuant to Section 51245.

(2) Territory that is subject to a contract for which a tentative cancellation has been approved pursuant to Section 51282.

(3) Territory for which the governing body of the county or city administering the contract has given its written approval to the change and the landowner consents to the change.

56856.5. (a) The commission shall not approve or conditionally approve a change of organization or reorganization that would result in the annexation to a city or special district of territory that is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1), other than a contract entered into pursuant to Article 7 (commencing with Section 51296) of Chapter 7 of Part 1 of Division 1, if that city or special district provides or would provide facilities or services related to sewers, nonagricultural water, or streets and roads to the territory, unless these facilities or services benefit land uses that are allowed under the contract.

(b) This section shall not be construed to preclude the annexation of territory for the purpose of using other facilities or services provided by the agency that benefit land uses allowable under the contract.

(c) Notwithstanding subdivision (a), the commission may nevertheless approve a change of organization or reorganization if it finds any of the following:

(1) The city or county that would administer the contract after annexation has adopted policies and feasible implementation measures applicable to the subject territory ensuring the continuation of agricultural use and other uses allowable under the contract on a long-term basis.

(2) The change of organization or reorganization encourages and provides planned, well-ordered, and efficient urban development patterns that include appropriate consideration of the preservation of open-space lands within those urban development patterns.

(3) The change of organization or reorganization is necessary to provide services to planned, well-ordered, and efficient urban development patterns that include appropriate consideration of the preservation of open-space lands within those urban development patterns.

(d) This section shall not apply to territory subject to a contract for which either of the following applies:

(1) A notice of nonrenewal has been served pursuant to Section 51245, if the annexing agency agrees that no services will actually be provided by it for use during the remaining life of the contract for land uses or activities not allowed under the contract.

(2) A tentative cancellation has been approved pursuant to Section 51282.

In the case of a proposed city annexation of Williamson Act land, the city must indicate whether it will succeed to the contract. The Commission must notify the state Director of Conservation regarding the

hearing for the proposal, and the city's decision must be reflected in the LAFCO action. Other provisions of the CKH Act result from the city's decision.

56738. If the proposal would result in the annexation to a city of land that is subject to a contract executed pursuant to the Williamson Act (Chapter 7 (commencing with Section 51200) of Division 1), then the petition shall state whether the city shall succeed to the contract pursuant to Section 51243 or whether the city intends to exercise its option to not succeed to the contract pursuant to Section 51243.5.

56752. If the proposal would result in the annexation to a city of land that is subject to a contract executed pursuant to the Williamson Act (Chapter 7 commencing with Section 51200) of Division 1), then the (LAFCO) resolution shall state whether the city shall succeed to the contract pursuant to Section 51243 or whether the city intends to exercise its option to not succeed to the contract pursuant to Section 51243.5.

57101. With respect to any proceeding that would result in the annexation to a city of land that is subject to a contract executed pursuant to the Williamson Act (Chapter 7 (commencing with Section 51200) of Division 1), for which the commission has determined pursuant to Section 56754 that the city may exercise its option to not succeed to the contract, the commission shall include within its resolution ordering the annexation of the territory a finding regarding whether the city intends to not succeed to the contract.

56753. The executive officer shall give mailed notice of any hearing by the commission, as provided in Sections 56155 to 56157, inclusive, by mailing notice of the hearing to the Director of Conservation if the proposal would result in the annexation to a city of land that is subject to a contract executed pursuant to the Williamson Act (Chapter 7 (commencing with Section 51200) of Division 1).

56753.5. Within 10 days after receiving a proposal that would result in the annexation to a city of land that is subject to a contract executed pursuant to the Williamson Act (Chapter 7 (commencing with Section 51200) of Division 1), the executive officer shall notify the Director of Conservation of the proposal. The notice shall include the contract number, the date of the contract's execution, and a copy of any protest that the city had filed pursuant to Section 51243.5.

56754. If a change of organization or reorganization would result in the annexation to a city of land that is subject to a contract executed pursuant to the Williamson Act (Chapter 7 (commencing with Section 51200) of Division 1), the commission, based on substantial evidence in the record, shall determine one of the following:

- (a) That the city shall succeed to the rights, duties, and powers of the county pursuant to Section 51243,
- or
- (b) That the city may exercise its option to not succeed to the rights, duties, and powers of the county pursuant to Section 51243.5.

57330.5. (a) If a city annexes land that is subject to a contract executed pursuant to the Williamson Act (Chapter 7 (commencing with Section 51200) of Division 1), and the city succeeds to the contract pursuant to either Section 51243 or Section 51243.5, then on and after the effective date of the annexation, the city has all of the rights, duties, and powers imposed by that contract.

(b) If a city annexes land that is subject to a contract executed pursuant to the Williamson Act (Chapter 7 (commencing with Section 51200) of Division 1), and the city exercises its option to not succeed to the contract pursuant to Section 51243.5, then the city shall record a certificate of contract termination pursuant to that section.

The city's decision regarding how Williamson Act land is treated must be included in the LAFCO resolution.

57101. With respect to any proceeding that would result in the annexation to a city of land that is subject to a contract executed pursuant to the Williamson Act (Chapter 7 (commencing with Section 51200) of Division 1), for which the commission has determined pursuant to Section 56754 that the city may exercise its option to not succeed to the contract, the commission shall include within its resolution ordering the annexation of the territory a finding regarding whether the city intends to not succeed to the contract.

Sphere of Influence (SOI) Changes

The presence of agricultural land is a factor the LAFCO should consider in enlarging SOIs.

56425. (a) In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies subject to the jurisdiction of the commission to advantageously provide for the present and future needs of the county and its communities, the commission shall develop and determine the sphere of influence of each city and each special district, as defined by Section 56036, within the county and enact policies designed to promote the logical and orderly development of areas within the sphere.

(e) In determining the sphere of influence of each local agency, the commission shall consider and prepare a written statement of its determinations with respect to each of the following: (1)

The present and planned land uses in the area, including agricultural and open-space lands.

(2) The present and probable need for public facilities and services in the area.

(3) The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

(4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

Synopsis of Selected Agriculture and Open Space Policies of California LAFCOs

Staff and the Policies & Procedures Committee reviewed the agriculture and open space policies adopted by the following 11 LAFCOs:

Kings	Plumas	Stanislaus
Madera	San Joaquin	Tuolumne
Mariposa	San Luis Obispo	Yolo
Monterey	Santa Clara	

The Plumas policy was adopted by six other LAFCOs (Calaveras, Colusa, Lake, Lassen Modoc, Yuba) because they share an Executive Officer.

Copies of all reviewed policies can be obtained from the LAFCO Executive Officer.

While all policies are based on the CKH Act, they differ substantially in form of presentation, detail, and statement of how LAFCO's ability to condition applications will be used in considering annexations of agricultural and open space land. The policies are diverse and reflect the local conditions and characteristics.

The adoption date was not apparent for all policies, but the oldest dated policy is from 2006 and is for Kings County LAFCO. Mariposa County LAFCO has one of the more recent agricultural land preservation policy, dated 2014.

The remaining portion of this attachment summarizes what is similar and what differs among the policies.

Consistent Provisions

All policies acknowledge LAFCO's role to preserve prime agricultural and open space while balancing that with the need to approve orderly development. The policies also encourage jurisdictions to develop land within their boundaries and SOIs before annexing more land. Jurisdictions are discouraged from developing prime agricultural land, even when such land is in the SOI. In some cases, they are encouraged to detach prime agricultural land. A few policies create exemptions for developing prime agricultural land when that is consistent with an adopted City or County land use plan. A number of policies include special provisions that apply to Williamson Act land.

Differentiated Provisions

Almost all of the policies go beyond restating the basic CKH tenants that apply to agricultural lands and open space. These policies use the power of LAFCO to condition approvals to guide the application and review processes and to establish conditions that mitigate to a degree the effects of annexation of agricultural land. This section discusses the provisions that appear in individual policies by topic.

1. Pre-Application Planning and Application Requirements

Several counties encourage jurisdictions to participate in planning to minimize the amount of and mitigate the effects of annexing agricultural land. For example, Kings County LAFCO requires that an application show that development of proposed annexed agricultural land is imminent, contiguous to current development, and anticipated in applicable land use plans.

Madera County is unlikely to support the annexation of prime agricultural land unless the property owner is supportive, and requires that the application demonstrate how agricultural and open space land will be preserved.

The requirements of Mariposa, Monterey, and Plumas Counties are similar to the ones stated above.

Stanislaus County requires applicants to submit a plan for agricultural preservation as part of an SOI or boundary expansion. The plan's purpose is to help LAFCO understand how the proposal is consistent with LAFCO policy. The required components of the plan are substantial and require declarations from the applicant regarding how they will mitigate the impacts of annexing agricultural land for non-open space purposes. Several options are included in the policy.

Santa Clara County encourages city applicants to develop agricultural mitigation policies before applying to LAFCO.

San Luis Obispo is similar to Stanislaus in that an application to annex agricultural and open space land must include substantial analysis of the surrounding area and the impacts of the application on agriculture.

Yolo LAFCO indicates that it wants mitigation measures consistent with their agricultural preservation policy in place at the time a proposal is filed with the Commission.

2. Necessary Findings

Several LAFCOs indicate what findings are likely required before the Commission would approve annexation of agricultural land. For example, Mariposa LAFCO will not approve a proposal that has significant adverse effects on the physical and economic integrity of other agricultural and open space land. Furthermore, the LAFCO is unlikely to annex agricultural and open space land that will not be developed unless maintenance of the agricultural or open space use is an integral part of the development and is protected from future development.

Plumas LAFCO must find that the applicant has identified and preserved all agricultural and open space land within the SOI and has an adopted plan to encourage infill. The LAFCO must also find that the annexation will not affect the physical and economic integrity of open space and agricultural land.

San Luis Obispo LAFCO requires findings that there are measures to mitigate the loss of agricultural land, to preserve adjoining lands for agriculture, and to prevent their premature conversion to other uses. Options of such measures are provided and include acquisition and dedication of land, assignment of development rights, and others.

3. Buffer Zone Conditions

Four LAFCO policies require buffer zones around agricultural uses to reduce the likelihood of conflicts with urban uses. Plumas LAFCO suggests a 300' buffer or other acceptable and enforceable protection.

Monterey LAFCO states that "...agricultural buffers provide an important means to preserve open-space and agricultural lands and preserve the integrity of planned, well-ordered, efficient urban development patterns." This LAFCO encourages "Agreements between neighboring local agencies with regard to the preservation of open-space and agricultural lands..."

Santa Clara LAFCO supports agricultural buffers where the size, location, and allowed uses are sufficient to minimize conflicts between adjacent urban and agricultural uses. The LAFCO also supports Right to Farm Ordinances to ensure that urban residents on annexed land recognize the rights of adjacent property owners to conduct agricultural operations that comply with established standards.

San Luis Obispo LAFCO uses buffers to ensure that "Development near agricultural land...not adversely affect the sustainability or constrain the lawful, responsible practices of the agricultural operations."

4. Non-annexed Land Conservation Requirements

Four LAFCOs indicate that they expect applicants that seek to add agricultural land, particularly prime agricultural land, to an SOI or a city or district boundary demonstrate how they will incorporate mitigation plans in the proposal. These plans should preserve and manage at least an equal amount of comparable land in perpetuity and/or provide funding for an acceptable land trust or other entity to do so. In most cases, the land need not be purchased. Rather conservation easements or development rights prohibitions that are held by a third party are acceptable. In all cases, continued agricultural use on the protected land is desired.

For example, Santa Clara LAFCO's policy states:

Proposals involving the conversion of prime agricultural lands should provide one of the following mitigations at a not less than 1:1 ratio (1 acre preserved for every acre converted) along with the payment of funds as determined by the city / agricultural conservation entity (whichever applies) to cover the costs of program administration, land management, monitoring, enforcement and maintenance of agriculture on the mitigation lands:

Agricultural lands or conservation easements acquired and transferred to an agricultural conservation entity should be located in Santa Clara County and be lands deemed acceptable to the city and entity.

The agricultural mitigation should result in preservation of land that would be:

- a. Prime agricultural land of substantially similar quality and character as measured by the Average Storie Index rating and the Land Capability Classification rating, and
- b. Located within cities' spheres of influence in an area planned/envisioned for agriculture, and
- c. That would preferably promote the definition and creation of a permanent urban/agricultural edge.

San Luis Obispo LAFCO indicates the Commission shall approve annexations of prime agricultural land only if there is mitigation that equates to a substitution ratio of at least 1:1 for prime land and that the mitigation is accepted by the applicant and the jurisdiction with land use authority.

Stanislaus LAFCO indicates that the protected land be of equal or better soil quality, have a dependable source of irrigation water, and be located in Stanislaus County. The policy further requires that mitigation be in place before the first occurrence of grading, building permits, or final map approval. Press reports provided by our Executive Officer at Contra Costa LAFCO's February meeting indicate that some Stanislaus County cities are considering mitigation ratios of 2:1 or 3:1.

Yolo LAFCO has provisions similar to those stated above.

Acceptable preservation entities can be a city, public, or non-profit agency that has the resources and skills to hold the land or protective easements. In Contra Costa County, the East Bay Regional Parks District, the Brentwood Agricultural Land Trust, and the Muir Heritage Land Trust could all be candidate entities, along with the County and cities.

Several policies explicitly state that protective easements or land acquisitions cannot be stacked, i.e., an acre of protected land can only apply to one application. No policy states the mitigations can be stacked.

San Luis Obispo and Santa Clara LAFCO policies include payment of in-lieu fees as an optional mitigation measure.

**Contra Costa Local Agency Formation Commission (LAFCO)
 Agricultural and Open Space Preservation Workshop
 Wednesday, July 8, 2015 (1:00 – 4:00 pm)
 (Location to be Determined)**

DRAFT

Purpose of Workshop: To engage a range of stakeholders in the development of a local agricultural and open space preservation policy to be used by LAFCO to help guide its decisions when considering a proposal that would impact agricultural and/or open space lands.

Time Allotment	Topic	Moderator(s)	Presenter(s)
1:00 – 1:10	Welcome/Introductions		LAFCO Chair
1:10 – 1:30	<i>What is LAFCO</i> <ul style="list-style-type: none"> • Legal framework/statutory mandate/definitions • LAFCO’s conditioning authority 		LAFCO staff
1:30 – 2:00	<i>Why should we care about ag and open space land</i> <ul style="list-style-type: none"> • State, regional and local efforts to preserve ag and open space land • Which areas in the County (incorporated and unincorporated) are identified as important ag and open space land and Priority Conservation Areas (PCAs) 	LAFCO Commissioner	-American Farmland Trust -John Kopchik, Director, Contra Costa County Dept. of Conservation & Development -Bob Doyle, EBRPD
2:00 – 2:30	<i>Agriculture in Contra Costa County</i> <ul style="list-style-type: none"> • How ag land has evolved in the County • What are ag uses in the County (including urban ag) and how much (e.g., crop types, grazing, etc.) • Biggest challenges facing ag community 		-Chad Godoy, Contra Costa County Ag Commissioner -BALT -Farmer Bureau -Ranchers
2:30 – 2:40	BREAK		
2:40 – 3:00	<i>Open Space in Contra Costa County</i> <ul style="list-style-type: none"> • Overview of open space in Contra Costa County • Biggest challenges to preserving open space 	LAFCO Commissioner	-Environmental Groups (Greenbelt Alliance, Save Mt. Diablo, Sierra Club)
3:00 – 3:15	<i>Case Studies –Other LAFCO Policies</i>		Commissioners Burke & Tatzin
3:15 – 3:55	ROUNDTABLE DISCUSSION <ul style="list-style-type: none"> • Most significant challenges to ag & open space preservation in Contra Costa County • How can LAFCO help? 	LAFCO Commissioner	-All
3:55 – 4:00	NEXT STEPS/CLOSING COMMENTS	LAFCO Commissioner	